

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

REGINALD MILNER,

Defendant and Appellant.

B177278

(Los Angeles County
Super. Ct. No. BA257662)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Maureen Duff-Lewis, Judge. Affirmed

Linda Alcaldo, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

Reginald Milner appeals from the judgment entered following a jury trial that resulted in his conviction of one count of making criminal threats in violation of Penal Code section 422. He was sentenced to the midterm of two years, with one year added pursuant to Penal Code section 667.5, subdivision (b), for a prior conviction of felony joyriding, a total of three years in state prison. We appointed counsel to represent him on this appeal. His codefendant at trial, Sean Roberts, is not a party to this appeal.

The record indicates that on the afternoon of December 11, 2003, a family, several members dressed in Muslim religious attire, was going to order food at a fast food restaurant when they saw codefendant Roberts hitting and choking a woman in the parking lot. Tisha Williams, one of the alleged victims of the charged criminal threats, asked the restaurant cashier and then the manager to call the police. The manager eventually did so.

Appellant, who was eating in the restaurant, started yelling loudly at the victim, cursed her, disparaged Black people, and threatened to hurt her and her family. A large man, he repeatedly threatened “I am going to beat you down” and “I need to beat your mother-fuckin’ ass. You all bitches.” As Ms. Williams’ sister Crystal called the police on her cell phone, appellant went outside and talked to codefendant Roberts, yelled “Fuckin’ bitches” and said she had called the police, pointed at Ms. Williams, and then returned to the door of the restaurant, where he blocked the door and continued to harass the family. He stood there cursing them for about ten minutes.

Appellant left and went to a nearby gas station. According to Ms. Williams and her mother, codefendant Roberts pulled out a gun and pointed it directly at Ms. Williams and her family and then approached the woman he had been beating and appeared to hand her something.¹ Roberts went back to his car but returned with a crowbar and yelled at the family, threatening them as they tried to exit and get into their van. He used a lot of foul language and threatened to beat Williams’ head in and kill her. He also

¹ The jury found Roberts not guilty of the crime of possession of a firearm by a felon.

spoke to her in Arabic. The family went to their van while Roberts was yelling and screaming and saying, “he is going to kill us” They again called 911. The defense claimed it was merely the exchange of “rude and angry words” and the victim “exaggerated [appellant’s] involvement”

At least ten officers arrived at the scene. The police placed handcuffs on codefendant Roberts, who was agitated, belligerent, cursing and upset. Appellant, also agitated, upset, and combative, was detained at the nearby gas station. Ms. Williams was crying and upset; Rashida Bilal was visibly shaken. A crowbar was found in codefendant’s car. No gun was retrieved.

The restaurant manager was not present, so the officers could not retrieve the video tape surveillance. According to the investigating officer, the victims did not report that a gun was pointed at them; that they saw Roberts hand something to the woman he had been choking earlier; or that he had addressed them in Arabic. Nor did Ms. Williams tell the officer that the unknown female left by herself or that appellant blocked the exit and stayed there for ten minutes. The defense called no witnesses. Prior to instructing the jury, the court granted appellant’s motion to dismiss one count of criminal threats.

After examination of the record, counsel filed an “Opening Brief” in which no issues were raised. On December 8, 2004, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant’s attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

COOPER, P.J.

We concur:

BOLAND, J.

FLIER, J.